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PATENT **OFFICIAL**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Claiborne et al.		
Serial No.:	10/079,452	Case No.:	20832Y
Filed:	February 20, 2002		
For:	N-SUBSTITUTED NONARYL-HETEROCYCLIC NMDA/NR2B ANTAGONISTS		

Mail Stop Amendment
 Commissioner for Patents
 Box 1450
 Arlington, VA 22313-1450

Art Unit: 1624
 Examiner: Rao,
 Deepak

REQUEST FOR ONE MONTH TIME EXTENSION AND RESPONSE

Applicants respectfully request a one month extension of time in which to respond to the Office Action dated December 30, 2003. The extension fee should be charged to deposit account 13-2755. Any additional fees or overpayments in connection with this paper should be charged or credited to deposit account 13-2755.

Applicants respectfully request reconsideration of the rejections in light of the following amendments and remarks. Amendments to the Specification begin on page 2 of this paper. Amendments to the Claims are reflected in the listing of claims beginning on page 3.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail addressed to: Commissioner for Patents, Box 1450, Arlington, VA 22313-1450, on the date appearing below.

MERCK & CO., INC.

By:

Mitul J. Desai

Date: April 29, 2004

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Serial No.: 10/079,452
Case No.: 20832Y
Page No.: 30

The 35 U.S.C. § 102 Rejection

Claims 1, 9, and 48-52 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Van Lommen et al., WO 93/17017. The Examiner states that "the instantly claimed compounds read on the compounds of the reference." The Examiner specifically points to reference disclosed compounds in Table 1, pages 45-49, particularly compounds 38-43.

Claim 1 has been amended to exclude compounds where B is aryl(CH₂)₁₋₃, or heteroaryl(CH₂)₁₋₃. Applicants respectfully submit that the instant claims, as amended herein, are not anticipated by the cited reference. Applicants thus deem this rejection obviated and respectfully request withdrawal thereof.

In view of the foregoing amendments and remarks it is firmly believed that the subject invention is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

By: 
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